

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5962 of 2021

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Md. Moinul Haque S/o- Md. Izhar Hussain R/o- Village- Barewa, P.S.- Chainpur, District- East Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar Through the Principal Secretary, Department of Education, Government of Bihar, Patna.
2. The Principal Secretary Department of Education, Government of Bihar, Patna.
3. The Principal Secretary Department of Finance, Government of Bihar, Patna.
4. The Director (Primary Education) Government of Bihar, Patna.
5. The District Education Officer East Champaran, at Motihari.
6. The District Programme Officer (Establishment) East Champaran, at Motihari.
7. The Accountant General Bihar, Birchand Patel Path, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Amarendra Kumar, Adv.
For the State	:	Mr. Narendra Kumar, A.C. to G.P.-20
For the Accountant General	:	Mr. Raj Nandan Pandey, Adv.

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL JUDGMENT

Date : 18-07-2024

Heard learned counsel for the petitioner and learned counsels appearing for the respondents.

2. By filing the present writ application, the petitioner has prayed for the following reliefs:

(i) For issuance of a writ in the nature of Mandamus commanding the respondent Authority to grant promotion in Grade-3 (Second Financial Upgradation) in Matric Trained Scale to the petitioner w.e.f. 01.04.1994 as per the provisions of Elementary Teachers' Promotion Rules, 1993.

(ii) For directing the respondent Authority to grant



all consequential benefits to the petitioner.

(iii) For any other relief/reliefs for which the petitioner is found entitled in the facts and circumstances of the case.

3. Learned counsel for the petitioner submits that the petitioner has died during the pendency of this writ application.

4. Learned counsel further submits that the persons who are juniors to the petitioner were granted promotion, but the matter of the petitioner has been discriminated.

5. Considering the submissions made hereinabove, this writ application is disposed of with a direction to the legal heir of the petitioner to file a detailed representation before the District Education Officer, East Champaran at Motihari (respondent no.5) along with other documents in support of his claim within a period of four weeks from the date of receipt/production of a copy of this order. The respondent no. 5 is well-advised to dispose of the said representation by a reasoned and speaking order in accordance with law within ten weeks from the date of receipt of any such representation filed by the legal heir of the petitioner considering the fact that the persons who are juniors to the petitioner have already been granted promotion in Grade-3 (Second Financial Upgradation) in Matric Trained Scale.

6. It is made clear that if it is found that the petitioner is



eligible for consideration and grant of promotion in Grade-3 (Second Financial Upgradation) in Matric Trained Scale, the respondents are under obligation to grant all consequential benefits as well.

7. The respondent no.5 shall be personally held responsible for non-compliance of this order within the stipulated period.

8. With the aforesaid observation and direction, this writ application stands disposed of.

(Anjani Kumar Sharan, J)

divyanshi/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	23.07.2024
Transmission Date	NA

